

House Bill 285

By: Representatives Greene of the 149<sup>th</sup> and Barnard of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to  
2 jurisdiction over certain misdemeanor offenders, designation of place of confinement of  
3 inmates, reimbursement of counties, and transfer of inmates to federal authority, so as to  
4 change certain provisions relating to reimbursement rates; to provide an effective date; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 42-5-51 of the Official Code of Georgia Annotated, relating to jurisdiction over  
9 certain misdemeanor offenders, designation of place of confinement of inmates,  
10 reimbursement of counties, and transfer of inmates to federal authority, is amended by  
11 revising subsection (c) as follows:

12 "(c) After proper documentation is received from the clerk of the court, the department  
13 shall have 15 days to transfer an inmate under sentence to the place of confinement. If the  
14 inmate is not transferred within the 15 days, the department will reimburse the county, in  
15 a sum not less than the amount the department reimburses to the nearest private detention  
16 facility but in no event at a rate less than \$7.50 per day per inmate and in such an amount  
17 as may be appropriated for this purpose by the General Assembly, for the cost of the  
18 incarceration, commencing 15 days after proper documentation is received by the  
19 department from the clerk of the court. The reimbursement provisions of this Code section  
20 shall only apply to payment for the incarceration of felony inmates available for transfer  
21 to the department, except inmates under death sentence awaiting transfer after their initial  
22 trial, and shall not apply to inmates who were incarcerated under the custody of the  
23 commissioner at the time they were returned to the county jail for trial on additional  
24 charges or returned to the county jail for any other purposes, including for the purpose of  
25 a new trial."

26 **SECTION 2.**

27 This Act shall become effective on July 1, 2010.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.